UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,822	08/29/2001	Manmeet Singh	2066JB.044237	7588

7590 10/05/2006

Attn: JEFFREY S. WHITTLE
BRACEWELL & PATTERSON, L.L.P.
P.O. Box 61389
Houston, TX 77208-1389

EXAMINER	
AKINTOLA, OLABODE	
ART UNIT	PAPER NUMBER
3691	

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/941,822	SINGH ET AL.	
	Examiner	Art Unit	
	Olabode Akintola	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 August 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 1, 10, 12 objected to because of the following informalities: The word "entifying" in claim 1, line 4 should be "identifying". The word "line" in claims 10 and 12 was duplicated. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 13, 15 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (USPN 5283829) (hereinafter referred to as Anderson).

Re claims 1-2: Anderson teaches a method for conducting a financial transaction of a registered user using a common telecommunications device over a communication network, comprising the steps of: identifying an incoming message by an identifier assigned to the device from which the incoming message is transmitted (col. 3. lines 43-47); verifying the device as a registered user device based on the identifier (col. 3, lines 43-45); receiving payment instructions to a third party from the registered user device (col. 3, lines 47-56); contacting a financial institution selected by the registered user device to electronically transfer funds to a financial institution selected by the third party (Fig. 1, RN{600, 700, 900}).

Re claim 13: Anderson teaches the step of overriding the incoming telephone number identifier by a manually entered number recognizable as an alternative identified number in the verifying step (col. 8, lines 35-42).

Re claims 15 and 25: Anderson teaches an initial step of registering a user as a registered user (col. 3, lines 23-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 23, 24 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson.

Re claims 23-24 and 36: Anderson does not explicitly teach cellular phone and PDA having dial-up capability over a telephonic network; wherein the device is a dedicated device at an authorized licensee of the lottery commission. However, Anderson teaches telephone. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson to include cellular phone, PDA and any other dedicated device or terminal at an authorized licensee of the lottery commission. One would have been motivated to do these in order provide for increased flexibility by using alternatives to regular phones having dial-up capabilities to perform the same function.

Claims 3, 14, 19, 22, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson as applied to claim 1 above, and further in view of Colyer et al (USPN 6745196) (hereinafter referred to as Colyer).

Re claims 3 and 19: Anderson does not explicitly teach prompting the user to select a password; confirming the password; Colyer teaches prompting the user to select a password; confirming the password (col. 10, lines 57-58, Figs. 5A-5B). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson to include these steps as taught by Colyer. One would have been motivated to do these in order ensure the password selected by the user is one that can be easily remembered.

Re claims 14 and 22: Anderson does not explicitly teach the step of confirming the registered user by voice; prompting the user to provide voice identification after selection of password. Official notice is hereby taken that it is old and well known to confirm user by voice; prompting the user to provide voice identification after selection of password. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson to include this step. One would have been motivated to do this in order to provide an alternative form of verification and/or to provide another layer of authentication.

Re claim 26: See claims 1 and 3 analyses, above. Also, Anderson further teaches identifying a selected financial institution account by entering a related account number (col. 3, lines 27-30).

Re claim 27: See claims 26 and 23 analyses, above.

Claims 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson as applied in claim 27 above, and further in view of Scagnelli et al (USPN 5816919) (hereinafter referred to as Scagnelli).

Re claims 30, 32 and 33: Anderson does not explicitly teach receiving an order to purchase a game (col. 7, lines 61-66); activating the game (col. 12, lines 7-12); informing the user of the outcome of the game (col. 12, lines 7-12); and electronically transferring any winnings to the selected account of the user (col. 12, lines 7-12); wherein the game includes a random number generator and wherein a certain sequence of numbers identifies a win (col. 8, lines 11-20);

wherein the customer may select a sequence of numbers to match by entering the number sequence via a key pad on the device (col. 8, lines 44-47). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson to include these steps as taught by Scagnelli. One would have been motivated to do this in order to expand the functionality of the process as applicable to the lottery wagering system.

Re claim 31: See claim 23 analysis, above.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Colyer as applied to claim 19 above, and further in view of Dworkin et al (USPN 6026148) (hereinafter referred to as Dworkin).

Re claims 20 and 21: Anderson does not explicitly teach the step of informing the user of legal notices and disclaimers prior to the identification of an account; the step of terminating the registration process upon completion of the informing step. Dworkin teaches the step of informing the user of legal notices and disclaimers prior to the identification of an account; the step of terminating the registration process upon completion of the informing step (col. 3, line 64- col. 4, line 7). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson to include these steps as taught by Dworkin. One would have been motivated to do these in order to inform the user of systems legal rights and/or responsibilities.

Claims 4- 12 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson as applied to claim 1 above, and further in view of Lawlor et al (USPN 5220501) (hereinafter referred to as Lawlor).

Re claim 4-12: Anderson does not explicitly teach contacting each of said financial institutions via the ATM system network; wherein the electronic transfer of funds in on-line; confirming the transfer of funds to the third party; confirming the transfer of funds to the registered user; logging the transfer of funds; generating a report for the end user showing all fund transfers on the behalf of the registered user; providing the report online to the registered user; generating a report for the third party user showing all find transfers on the behalf of the registered user; providing the report online to the third party. Lawlor teaches contacting each of said financial institutions via the ATM system network (Abstract, col. 22, line 44-col. 23, line 8); wherein the electronic transfer of funds in on-line (Abstract); confirming the transfer of funds to the third party (Abstract, col. 22, lines 33-41); confirming the transfer of funds to the registered user (Abstract, col. 22, lines 33-41); logging the transfer of funds (col. 34, line 27); generating a report for the end user showing all fund transfers on the behalf of the registered user (col. 34, line 27); providing the report online to the registered user (col. 34, line 27); generating a report for the third party user showing all find transfers on the behalf of the registered user (col. 34, line 27); providing the report online to the third party (col. 34, line 27). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson to include these

steps as taught by Lawlor. One would have been motivated to do these in order to expedite the transfer of funds between the parties.

Re claims 16-18: Anderson does not explicitly teach wherein the financial institution and related account of the registered user is identified by an account number supplied by the registered user; wherein the account number is a debit card number for accessing the registered user account via an ATM system network; supplying the PIN number assigned to the debit card. Lawlor teaches, wherein the financial institution and related account of the registered user is identified by an account number supplied by the registered user; wherein the account number is a debit card number for accessing the registered user account via an ATM system network; supplying the PIN number assigned to the debit card (col. 20, lines 32-33). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Anderson to include these steps as taught by Lawlor. One would have been motivated to do these in order to expedite the transfer of funds between the parties.

Re claims 28 and 29: See claims 17 and 18 analyses, above.

Re claims 34 and 35: See claims 17 and 18 analyses, above

Re claims 37: See claim 23 analysis, above

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leaden (USPN 5327485) discloses telephone lottery play system.

Walker et al (USPN 5083272) discloses interactive telephone lottery system with a verification code.

Entenmann et al (USPN 4996705) discloses use of telecommunications systems for lotteries

Reese (USPN 4969183) discloses telephone lotto number system and service.

Scanlon et al (USPN 5083272) discloses telecommunications access to lottery system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

OA

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600